*** THE HON'BLE SRI JUSTICE V.ESWARAIAH**

<+ WRIT PETITION NO. 3165 OF 2005 AND BATCH

% FRIDAY THE EIGHTEENTH DAY OF MARCH,

TWO THOUSAND AND FIVE.

M/s. Nite King Bar and Restaurant and others.

...Petitioners.

–

Versus

$ The Commissioner of Police, Twin Cities, Basheergah, Hyderabad and others.

...Respondents.

! Counsel for the Petitioners: Mr. Harender Prasad

Mr. V.R. Reddy Kovvuri

Mr. J. Prabhakar

Mr. D. Sudarshan Reddy

Mr. K. Indra Reddy

Mr. E. Madan Mohan Rao &

Mr. Rama Rao Mavidi

^ Counsel for the Respondents: Government Pleader for Home

< Gist:

> Head Note:

? Cases referred:

1. 2003 (1) ALD 99 (DB)

2. 1982 (1) An.W.R.96

3. 2003 (5) ALT 705 (DB)

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P.Nos.3165, 3176, 3182, 3183, 3184,3185, 3186, 3187, 3203, 3210, 3253,3598, 3599, 3600, 3601 and 3602 of 2005

WRIT PETITION No: 3165 of 2005

Between:

M/s. Nite King Bar and Restaurant, 3-6-154, Victory Vision, 5th Floor, Besides Woodland Showroom, Himayathnagar Main Road, Hyderabad – 29, Rep. by its Proprietor S. Ameer Basha.

...PETITIONER

AND

1. The Commissioner of Police, Twin Cities, Basheerbagh, Hyderabad.

2. The Station House Officer, PS Gandhinagar, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in passing the impugned orders vide proceedings No.L&O/A3/2535/2003 dated 08.02.2005 rejecting to grant amusement license for the year 2005 as arbitrary, illegal and consequently direct the 1st Respondent herein to grant Amusement License to the Petitioner Bar and Restaurant in accordance with the statutory provisions

Counsel for the Petitioner: MR. HARENDER PRASAD

Counsel for the Respondents: GP FOR HOME

WRIT PETITION No: 3176 of 2005

Between:

New Anupama Bar and Restaurant, Rep. by its Managing Partner,
Sri A. Nageswara Rao, situated at 10-2-289/4, Masab Tank, A.C. Guards, Hyderabad.

...PETITIONER

AND

1. The Commissioner of Police, Twin Cities, Basheerbagh, Hyderabad.

2. The Station House Officer, Nampally Police Station, Nampally,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in passing the orders vide proceedings No.L&O/A3/2123/2003 dated 08.02.2005 rejecting to grant amusement license for the year 2005 as arbitrary, illegal and consequently direct the 1st Respondent herein to grant Amusement License to the Petitioner Bar and Restaurant in accordance with the statutory provisions

Counsel for the Petitioner: MR. V.R.REDDY KOVVURI

Counsel for the Respondents: GP FOR HOME

WRIT PETITION No: 3182 of 2005

Between:

M/s.Mehfil-1 Bar & Restaurant, 5-4-100 & 101, IInd Floor, Vasundahra complex, M.G. Road, Secunderabad Rep. by its Partner, Mr.C. Parikshit Chowdary, S/o. C. Shiva Koti, R/o. Himayathnagar, Hyderabad.

...PETITIONER

AND

1. The Commissioner of Police, Hyderabad City, Basheerbagh,

Hyderabad.

2. The Deputy Commissioner of Police, North Zone, Hyderabad.

…RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in passing the impugned orders vide proceedings No.L&O/A3/1874/2002 dated 08.02.2005 rejecting to grant amusement license for the year 2005 as arbitrary, illegal and consequently direct the 1st Respondent herein to grant Amusement License to the Petitioner Bar and Restaurant in accordance with the statutory provisions

Counsel for the Petitioner: MR. D. SUDARSHAN REDDY

Counsel for the Respondents: GP FOR HOME

WRIT PETITION No: 3183 of 2005

Between:

M/s Dolfin Bar & Restaurant at No.1-2-64/1 & 64/1/1, 95D & 95E, Siddamshetty Complex, Praklane, Secunderabad rep.by its managing partner, P. Sivanarayana S/o. Late Basava Rao, Occ: Business.

…PETITIONER

AND

1. The Commissioner of Police, Twin Cities, Basheerbagh, Hyderabad.

2. The Station House Officer, PS Mahankali, Secunderabad.

…RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in passing the impugned orders vide proceedings No.L&O/A3/2091/2003 dated 08.02.2005 rejecting to grant amusement license for the year 2005 as arbitrary, illegal

and consequently direct the 1st Respondent herein to grant Amusement License to the Petitioner Bar and Restaurant in accordance with the statutory provisions

Counsel for the Petitioner: MR. J. PRABHAKAR

Counsel for the Respondents: GP FOR HOME

WRIT PETITION No: 3184 of 2005

Between:

M/s Pallavi Bar & Restaurant at 1-9-1122/10/1/36,VST Road, Vidyanagar, Hyderabad – 500 044. Rep. by its managing partner M. Madhusudan Reddy s/o. Vaima Reddy, Occ: Business.

…PETITIONER

AND

1. The Commissioner of Police, Twin Cities, Basheerbagh, Hyderabad.

2. The Station House Officer, PS Nallakunta, Hyderabad.

…RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in passing the impugned orders vide proceedings No.L&O/A3/99/2003 dated 08.02.2005 rejecting to grant amusement license for the year 2005 as arbitrary, illegal and consequently direct the 1st Respondent herein to grant Amusement License to the Petitioner Bar and Restaurant in accordance with the statutory provisions

Counsel for the Petitioner: MR. J. PRABHAKAR

Counsel for the Respondents: GP FOR HOME

WRIT PETITION No: 3185 of 2005

Between:

M/s Golden Sip Bar & Restaurant At 6-4-34, Musheerabad Cross Road, Secunderabad Rep.by its Proprietor S. Ameer Basha S/o. Sri Hussain Saheb, Occ: Business.

...PETITIONER

AND

1. The Commissioner of Police, Twin Cities, Basheerbagh, Hyderabad.

2. The Station House Officer, PS Gandhinagar, Secunderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in passing the impugned orders vide proceedings No.L&O/A3/2133/2002 dated 08.02.2005 rejecting to grant amusement license for the year 2005 as arbitrary, illegal and consequently direct the 1st Respondent herein to grant Amusement License to the Petitioner Bar and Restaurant in accordance with the statutory provisions

Counsel for the Petitioner: MR. J. PRABHAKAR

Counsel for the Respondents: GP FOR HOME

WRIT PETITION No: 3186 of 2005

Between:

Amruth Bar & Restaurant, 8-2-293/D/1,2,3., Indira Nagar, Srinagar Colony Road, Hyderabad Rep.by its Proprietor Mr. A. Siva Prasad,
S/o. Late Ranga Rao, R/o. Hyderabad.

...PETITIONER

AND

1. The Commissioner of Police, Hyderabad City, Basheerbagh,

Hyderabad.

2. The Deputy Commissioner of Police, West Zone, Hyderabad

3. The Station House Officer, Banjara Hills PS, Secunderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in passing the impugned orders vide proceedings No.L&O/A3/52/2004 dated 08.02.2005 rejecting to grant amusement license for the year 2005 as arbitrary, illegal and consequently direct the 1st Respondent herein to grant Amusement License to the Petitioner Bar and Restaurant in accordance with the statutory provisions

Counsel for the Petitioner: MR. K. INDRA REDDY

Counsel for the Respondents: GP FOR HOME

WRIT PETITION No: 3187 of 2005

Between:

M/s.Dhun Bar & Restaurant, 5-9-30/103 to 106, 1st Floor, Paigah Plaza, Basheerbagh, Hyderabad. Rep. by its Partner, Mr. P. Sridhar, S/o. P. Babu Rao, Occ: Business, R/o.5-1-964, PutliBowli, Gowliguda, Hyderabad.

...PETITIONER

AND

1. The Commissioner of Police, Hyderabad City, Basheerbagh,

Hyderabad.

2. The Deputy Commissioner of Police, Central Zone, Hyderabad.

3. The Station House Officer, Saifabad PS, Secunderabad.

…RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in passing the impugned orders vide proceedings No.L&O/A3/856/2003 dated 08.02.2005 rejecting to grant amusement license for the year 2005 as arbitrary, illegal and consequently direct the 1st Respondent herein to grant Amusement License to the Petitioner Bar and Restaurant in accordance with the statutory provisions

Counsel for the Petitioner: MR. D. SUDARSHAN REDDY

Counsel for the Respondents: GP FOR HOME

WRIT PETITION No: 3203 of 2005

Between:

Blue Saphire Bar & Restaurant, Rep. by Sri G. Chandrasekar, Proprietor, situated at 7-1-621/289, Sanjeeva Reddy Nagar Cross Roads, Hyderabad – 38.

…PETITIONER

AND

1. The Commissioner of Police, Twin Cities of Hyderabad,

Basheerbagh, Hyderabad.

2. The Station House Officer, S.R. Nagar Police Station, S.R. Nagar,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in passing the orders vide proceedings No.L&O/A3/605/2004 dated 08.02.2005 rejecting to grant amusement license for the year 2005 as arbitrary, illegal and consequently direct the 1st Respondent herein to grant Amusement License to the Petitioner Bar and Restaurant in accordance with the statutory provisions

Counsel for the Petitioner: MR. V.R.REDDY KOVVURI

Counsel for the Respondents: GP FOR HOME

WRIT PETITION No: 3210 of 2005

Between:

M/s 100 Dollars Bar & Restaurant, rep. by its Propreitor S. Satpal Singh situated at 3-3-4 (2nd & 3rd Floors) S.S. Complex, R.P. Road, Secunderabad.

...PETITIONER

AND

1. The Commissioner of Police, Twin Cities of Hyderabad,

Basheerbagh, Hyderabad.

2. The Station House Officer, PS Mahankali, Secunderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in passing the orders vide proceedings No.L&O/A3/666/2002 dated 08.02.2005 rejecting to grant amusement license for the year 2005 as arbitrary, illegal and consequently direct the 1st Respondent herein to grant Amusement License to the Petitioner Bar and Restaurant in accordance with the statutory provisions

Counsel for the Petitioner: MR. V.R. REDDY KOVVURI

Counsel for the Respondents: GP FOR HOME

WRIT PETITION No: 3253 of 2005

Between:

Silver Plate Hotels (Pvt.) Limited, 1-7-194/195, 1st Floor, S.D. Road, Paradise Circle, Secunderabad, A Company Registered under Companies Act, rep. By its Managing Director, Sri Satish Khanna,
R/o Secunderabad.

...PETITIONER

AND

1. The Commissioner of Police, Twin Cities, Basheerbagh, Hyderabad.

2. The Station House Officer, Ramgopalpet Police Station,

Secunderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the Proceedings of the first respondent in No.L&O/A3/288/2002 dated 08.02.2005 rejecting to grant amusement license for the year 2005 as illegal, arbitrary, without jurisdiction and consequently direct the respondents to permit the Petitioner company to carry on the business on engaging Orchestra by singing both male and female singers as per the terms and conditions of the Amusement Rules

Counsel for the Petitioner: MR. E. MADAM MOHAN RAO

Counsel for the Respondents: GP FOR HOME

WRIT PETITION No: 3598 of 2005

Between:

M/s. Maurya Restaurant and Bar, Door No.3-6-365/C/UG/First Floor, Pavani Estates, YVR Mansion, Liberty X Road, Himayathnagar, Hyderabad, Represented by its Managing Partner Sri Y.K. Naidu.

...PETITIONER

AND

1. The Commissioner of Police, Hyderabad City, Basheerbagh,

Hyderabad.

2. The Inspector of Police, Narayanguda Police Station, Narayanguda,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the impugned order passed by the 1st Respondent vide Proceedings No.L&O/A3/1123/2004 dated 08.02.2005, rejecting the application submitted by the petitioner on 08.12.2004 for grant of amusement licence to the petitioner's Bar and Restaurant for conducting singing and music with male and female singers in the Bar and Restaurant for the year 2005 i.e. from 01.01.2005 to 31.12.2005 as illegal, arbitrary, discriminatory, violative of Articles 14 and 19 (1) (g) of the Constitution of India an contrary to the provisions of he Hyderabad City Police Act, 1348 Fasli and the rules framed thereunder and further direct the 1st respondent to grant amusement licence to the petitioner herein for conducting singing and music with male and female singers in the petitioner's premises for the year 2005 i.e. from 01.01.2005 to 31.12.2005 in accordance with the statutory provisions

Counsel for the Petitioner: MR. RAMA RAO MAVIDI

Counsel for the Respondents: GP FOR HOME

WRIT PETITION No: 3599 of 2005

Between:

M/s. Brigades Bar and Restaurant, 6-1-84/14, Khusrujung House Complex, First Floor, A.G. Office, Saifabad, Hyderabad, Rep. by its Proprietor D. Jaya Rami Reddy

...PETITIONER

AND

1. The Commissioner of Police, Basheerbagh, Hyderabad.

2. The Station House Officer, Saifabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the impugned order passed by the 1st Respondent vide Proceedings No.L&O/A3/2244/2002 dated 08.02.2005, rejecting the application submitted by the petitioner on 10.12.2004 for grant of amusement licence to the petitioner's Bar and Restaurant for conducting singing and music with male and female singers in the Bar and Restaurant for the year 2005 i.e. from 01.01.2005 to 31.12.2005 as illegal, arbitrary, discriminatory, violative of Articles 14 and 19 (1) (g) of the Constitution of India an contrary to the provisions of he Hyderabad City Police Act, 1348 Fasli and the rules framed thereunder and further direct the 1st respondent to grant amusement licence to the petitioner herein for conducting singing and music with male and female singers in the petitioner's premises for the year 2005 i.e. from 01.01.2005 to 31.12.2005 in accordance with the statutory provisions

Counsel for the Petitioner: MR. RAMA RAO MAVIDI

Counsel for the Respondents: GP FOR HOME

WRIT PETITION No: 3600 of 2005

Between:

M/s. Nite Fox Bar and Restaurant, Premises No.8-3-217/25, 26 and 1st and 2nd Floors, Sanjeeva Reddy Nagar, Hyderabad, Represented by
A. Sreenivasa Rao.

…PETITIONER

AND

1. The Commissioner of Police, Hyderabad City, Basheerbagh,

Hyderabad.

2. The Inspector of Police, Sanjeeva Reddy Nagar Police Station,

Sanjeeva Reddy Nagar, Hyderabad.

…RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the impugned order passed by the 1st Respondent vide Proceedings No.L&O/A3/319/2002 dated 08.02.2005, rejecting the application submitted by the petitioner on 17.12.2004 for grant of amusement licence to the petitioner's Bar and Restaurant for conducting singing and music with male and female singers in the Bar and Restaurant for the year 2005 i.e. from 01.01.2005 to 31.12.2005 as illegal, arbitrary, discriminatory, violative of Articles 14 and 19 (1) (g) of the Constitution of India an contrary to the provisions of he Hyderabad City Police Act, 1348 Fasli and the rules framed thereunder and further direct the 1st respondent to grant amusement licence to the petitioner herein for conducting singing and music with male and female singers in the petitioner's premises for the year 2005 i.e. from 01.01.2005 to 31.12.2005 in accordance with the statutory provisions

Counsel for the Petitioner: MR. RAMA RAO MAVIDI

Counsel for the Respondents: GP FOR HOME

WRIT PETITION No: 3601 of 2005

Between:

M/s. PMC Bar and Restaurant, 1-7-1071/101 & 102, First Floor, Santhoshima Complex, RTC X Road, Chikkadpalli, Hyderabad, represented by its Proprietor Khaleel Ahmed

…PETITIONER

AND

1. The Commissioner of Police, Hyderabad City, Basheerbagh,

Hyderabad.

2. The Inspector of Police, Chikkadpalli Police Station, Chikkadpalli,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the impugned order passed by the 1st Respondent vide Proceedings No.L&O/A3/2489/2003 dated 15.02.2005, rejecting the application submitted by the petitioner on 13.12.2004 for grant of amusement licence to the petitioner's Bar and Restaurant for conducting singing and music with male and female singers in the Bar and Restaurant for the year 2005 i.e. from 01.01.2005 to 31.12.2005 as illegal, arbitrary, discriminatory, violative of Articles 14 and 19 (1) (g) of the Constitution of India an contrary to the provisions of he Hyderabad City Police Act, 1348 Fasli and the rules framed thereunder and further direct the 1st respondent to grant amusement licence to the petitioner herein for conducting singing and music with male and female singers in the petitioner's premises for the year 2005 i.e. from 01.01.2005 to 31.12.2005 in accordance with the statutory provisions

Counsel for the Petitioner: MR. RAMA RAO MAVIDI

Counsel for the Respondents: GP FOR HOME

WRIT PETITION No: 3602 of 2005

Between:

M/s. Skymoon Bar & Restaurant, Door No.2-1-392/1/4/5, Nallakunta, Hyderabad, Represented by Jaya Rami Reddi

...PETITIONER

AND

1. The Commissioner of Police, Hyderabad City, Basheerbagh,

Hyderabad.

2. The Inspector of Police, Nallakunta Police Station, Nallakunta,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the impugned order passed by the 1st Respondent vide Proceedings No.L&O/A3/363/2004 dated 08.02.2005, rejecting the application submitted by the petitioner on 10.12.2004 for grant of amusement licence to the petitioner's Bar and Restaurant for conducting singing and music with male and female singers in the Bar and Restaurant for the year 2005 i.e. from 01.01.2005 to 31.12.2005 as illegal, arbitrary, discriminatory, violative of Articles 14 and 19 (1) (g) of the Constitution of India an contrary to the provisions of he Hyderabad City Police Act, 1348 Fasli and the rules framed thereunder and further direct the 1st respondent to grant amusement licence to the petitioner herein for conducting singing and music with male and female singers in the petitioner's premises for the year 2005 i.e. from 01.01.2005 to 31.12.2005 in accordance with the statutory provisions

Counsel for the Petitioner: MR. RAMA RAO MAVIDI

Counsel for the Respondents: GP FOR HOME

The Court Made the following order:

COMMON ORDER:

Heard the learned counsel in each of these writ petitions. Since the question involved in these writ petitions is common, they are being disposed of by a common order.

All the petitioners are owners of bar and restaurants with licences for the retail sale of liquor and beer to be consumed in the premises of the bar, granted by the Excise authorities and their licences are valid up to 31.03.2005. It is stated that after obtaining all the permissions, the Commissioner of Police, Twin Cities, Hyderabad, granted the petitioners licences for establishment of public entertainment (category-II) in respect of the restaurants where they sell liquor, as bars and restaurants are places of public entertainment. As many as 20 conditions have been imposed in respect of the licences for places of public entertainment. As per condition No.20 the Commissioner of City Police shall have the final powers to

cancel or suspend any licence at his own discretion under the bye-laws or to close down any public place of halting permanently or temporarily or to pass otherwise any orders to comply with if he feels that is necessary to prevent a loss or damage or a trouble of the passenger or the person residing in the vicinity or to prevent any disturbance or for the establishment of a public place.

It is the case of the petitioners that they have submitted applications for grant of amusement licences to hold music and singing by both male and female singers, in their respective bars and restaurants in accordance with the statutory provisions for the year 2005 i.e., commencing from 01.01.2005 to 31.12.2005, but their applications have been rejected by different orders, which are impugned in these writ petitions.

Questioning the said rejection orders passed by the Commissioner of Police, Hyderabad, different writ petitions have been filed to declare the said rejection orders as illegal, arbitrary and to direct the Commissioner of Police to grant amusement licences to their respective bars and restaurants in accordance with the statutory provisions.

The relevant provisions relating to the licences for the public place of entertainment as well as for the public place of amusement are as follows:

a. Hyderabad City Police Act, 1348 Fasli (hereinafter referred to as 'the Act') is enacted to make the city police an effective means for prevention and detection of crimes and maintenance of peace.

b. Section 3 (g) and 3 (h) of the Act define public place of amusement and public place of entertainment as under:

> Section 3 (g): **"Public place of amusement"** means every place or house or tent or enclosure or booth or any other building whether permanent or temporary where singing, music, dancing or any diversion or game and anything giving amusement or the means of carrying on the same is provided and to which the public are admitted either on payment of money or with the intention that money may be collected from them on admission and shall include the race course, circus, theater, music and dancing hall, billiard room, gymnasium or any other place allotted for such purpose."

> Section 3(h): **"Public place of entertainment"** means any enclosed or open

place to which the public have access and where any kind of articles of food and drink are supplied for consumption by any person or for the profit of any person owing or having any interest in or managing such place and shall include a refreshment room, tea house, liquor house, boarding house, lodging house, hotel, tavern sendhi, wine, ganja, toddy, bhung or opium shops"

Section 3(j): **"Public place"** also includes the place within the premises or enclosure of any public building or monuments and all places to which the public have access for drawing water, washing or bathing or for the purpose of recreation"

c. The relevant portions of section 21 are extracted hereunder:

Section 21 (1) (f): licensing for or regulating the following matters and where it is likely to cause inconvenience, delay, danger, or damage to the residents or thepersons passing in the vicinity, prohibiting –

i. the keeping of a place of public amusement or place of public entertainment.

ii. the playing of music in public streets or public places.

(ii-a) the using of a loud-speaker in any public place, or

places of public entertainment.

iii. .....

iv. .....

v. .....

Section 21(g): regulating the entrance or exit at any place of public amusement or place of public entertainment or at any meeting or public assembly and providing for the maintenance of public peace and the prevention of disturbance at such places;

Section 21 (3):Notwithstanding the provisions contained in this section or in any rules made thereunder, it shall always be lawful for the Commissioner of Police, Hyderabad, to refuse a licence for or to prohibit the establishment of a place of public amusement or a place of public entertainment by a notorious scoundrel or a **bad character**.

Under Section 22 of the Act, the Commissioner of Police, on certain occasions that may arise, is empowered to maintain order in streets, public places and regulate the music or singing in any public place.

d. In exercise of powers under Section 21 (1) (f) of the Act certain rules have been framed

regarding the public places of halting, which are also called byelaws. The public place of halting is classified into two categories. The first sort includes every public place of halting where liquor, toddy and other intoxicants, defined in the Excise and Opium Acts, are sold or supplied. Any person applying for establishment or opening of a public place of halting shall satisfy the Commissioner of Police, that he is a person of good conduct and the site or the place where the public place of halting is intended to be opened or established is suitable for this purpose.

vi. Under Rule 6 (4) the said person shall not allow to commit any immorality or malpractice on the premises.

vii. Under Rule 18 the Commissioner of City Police shall have the absolute power to refuse any person to grant the licence at this own discretion for the establishment of a public place of halting, if he holds that the establishment would cause obstruction, trouble, annoyance, fear, danger or loss to the inhabitants of the surrounding places, or to the passengers.

viii. Under Rule 27 every person, who has established a public place of halting shall not be competent to commit himself or allow any of employees to commit such act in his place of business, as would cause loss, trouble and annoyance to his neighbour.

ix. Under Rule 28 the Commissioner of City Police shall have the final powers to cancel or suspend the licence at his own discretion issued under these byelaw or to close down any public place of halting permanently or temporarily, to pass otherwise any orders to comply with, if he holds that it is necessary to prevent a loss, a damage, a fear, or a trouble of the passengers or the persons residing in the vicinity, or to prevent any disturbance, or for the establishment of the public peace. The proprietor of a public place of halting shall comply with every such order of the Commissioner of City Police.

e. Rules have been framed regarding playing of music in the VIII notification issued by the City Police. Subject to other conditions imposed under other rules, under the rules 2 to 6 and rule 7 of this notification the Commissioner of City Police shall have the final powers to grant or reject a licence to person at his own discretion.

f. Apart from the rules/byelaws relating to the public place of halting and regarding playing of music, Hyderabad Public Amusement Rules, 1351 Fasli have been framed in exercise of powers conferred under Clauses (f), (g) and (h) of Sub-section (1) of Section 21 of the Act. These rules are called the Rules relating to places of public amusement in the City of Hyderabad (hereinafter called ‘the amusement rules’). The licence granted under the public place of halting for establishment of public entertainment (Category-II) is different from the amusement licence.

Chapter–XI of the amusement rules deals with licences. Such of those licences holding public entertainment are also entitled for amusement licences subject to the fulfillment of the conditions to the satisfaction of the licencing authority.

x. Under rule 104 the Commissioner of Police shall have the discretionary power to refuse to grant licence to hold the proposed public amusement place, provided; its holding its likely to cause the inhabitants of the locality or case the thoroughfares or surroundings of such are hindrance, harm, trouble, danger or loss.

xi. Under rule 104 (2) the Commissioner of Police shall have discretionary power to suspend or cancel any licence, issued under these rules or give order to licencee to close such are temporarily or permanently or take such action as to chech the hindrance, trouble, danger or loss to the inhabitants of the locality or the thoroughfares of the surroundings of such area.

xii. Under rules 126, 127, 128 and 129, for grant of amusement licence, it shall be binding on every such person applying for the said licence to establish such area to convince the Commissioner of city police with regard to the situation of the proposed area is suitable, is suitable for the purpose for which it is used and on the expiry period of the said licence, the licence shall be deemed to be cancelled and the licences are not liable to be transferred without permission. No person shall be authorized to keep open such place where amusement licence has been obtained after 12.00 PM in the night or open before 5.00 AM without obtaining the written permission of the Commissioner of Police.

xiii. Under rule 130 the amusement licence holder is also not authorized to sell any liquor or intoxicants, as defined in the Excise and Opium Acts, without the permission of the competent authority.

xiv. Under rule 131 no instrument of amusement shall be used within the boundaries of such area without the permission of the Commissioner of Police.

xv. Under rule 136 the Commissioner of Police shall have the power to refuse licence for establishing any proposed area, provided there is likelihood of causing damage, danger or loss to the inhabitants of the locality or the thoroughfares of the surroundings.

xvi. Under rule 136 (2) the Commissioner of Police shall have the discretionary power to suspend or cancel any licence given under these Rules either permanently or temporarily or take such action as to check hindrance, trouble, danger or loss of the inhabitants of the locality or the thoroughfares of the surroundings of such areas.

Sri D. Prakash Reddy, learned Senior Advocate, Sri C.V. Mohan Reddy, Sri E.

Madam Mohan Rao, Sri J. Prabhakar, Sri Mavidi Rama Rao, Sri K. Indra Reddy and other learned advocates have advanced their arguments that the rejection of the amusement licences by the Commissioner of Police without giving any notice or an opportunity is illegal, arbitrary and contrary to the Hyderabad City Police Act and the rules made thereunder.

The licences have been rejected on the ground that certain criminal cases are pending against the petitioners-bars and restaurants and sufficient parking is not provided. It is stated that merely because certain criminal cases are pending it cannot be said that petitioners have committed offences and pendency of the criminal cases is not a bar for grant of the renewal of licences. On being satisfied that sufficient parking space is provided, the licences have been granted for public entertainment and therefore, further insistence to provide extra parking space for grant of amusement licences is illegal, arbitrary and unsustainable. There are no guidelines prescribing the required parking space and what is the requisite parking space for grant of amusement licences is not indicated either in the rules or in any of the guidelines and there is also no provision to refuse the renewal of the said licences.

It is further stated that the action of the Commissioner of Police in refusing to renew the licences in favour of the bars and restaurants amounts to prohibiting grant of amusement licences. The said action of the Commissioner of Police is contrary to the law laid down by a Division Bench of this Court in **BIGWAY BAR AND RESTAURANT v. COMMISSIONER OF POLICE, HYDERABAD CITY**, and that the action of the Commissioner in effect amounts to imposition of total prohibition in refusing to grant amusement licences. It is further argued that the rejection orders passed by the Commissioner of Police on the ground of pendency of criminal cases for the offence under Section 294 IPC, parking space is insufficient and drawing general presumption of violating the conditions imposed under the amusement licence are unsustainable as none of the petitioners have committed any obscene acts whereas the Commissioner has granted amusement licences for three star hotels. Therefore, the action of the Commissioner of Police is discriminatory in refusing to grant licences in respect of the bars and restaurants.

Petitioners have relied on a judgment of this Court in
WP. Nos.11099 and 11564 of 1995 dated 11.07.1995 wherein the action of the

Commissioner of Police in refusing to renew the licences was questioned. In the said case the licences were refused on the ground that the licencees have violated certain conditions by conducting nude dances in their bars and therefore, the licencees were habitual in violating the licence conditions. Display of vulgarity results in unruly behaviour among the customers creates serious Law and Order problems, which have to be dealt with by the Police by use of force. In order to prevent these dances, a constant vigil has to be kept by the Police which involves surprise checks, raids etc. As a great deal of force has to be deployed for this purpose, it is felt that it is better to avoid giving permission for these dances. This Court held that no criminal cases were mentioned while rejecting the licences and only on certain assumptions and presumptions that a great deal of force has to be deployed to keep vigil, a general decision has been taken not to grant licences. In those circumstances, it was held that in the said case particulars of the cases booked against the petitioners have not been referred in the impugned order and therefore, the rejection of the licences was held to be illegal. It is also pertinent to note that this Court in the case of **3 ACES v. COMMISSIONER OF POLICE, HYDERABAD**, it was held that the licencee cannot complain of violation of Principles of natural justice and conditions of licence when he has been admittedly convicted for violation of the conditions of the licence.

Petitioners' further state that the cases for obscene acts and songs were registered against them alleging that it was an offence under Section 294 IPC. But whereas the Bombay High Court in CRI.A.No.2973 of 2002 dated 18.12.2003 held that to attract an offence under Section 294 IPC an act must have been done in any public place and the said act must be obscene and the same must cause annoyance to others. Unless annoyance is caused to others no person can be punished for offence of obscene acts or songs under Section 294 IPC. The Bombay High Court observed that act *per se* indecent and obscene, would not warrant prosecution under Section 294 IPC in the absence of express evidence of annoyance by any of the persons who attends such shows. Further, the law enforcement machinery has ample power to proceed under different laws to curb such obscene activities carried on by the licencee violating the terms and conditions of the licence. It is also open for the State to prohibit such cabaret shows as wrongful exploitation of sex or socially harmful or indecent, by enacting a special legislation. But in the absence of any special law without satisfying the ingredients of Section 294 IPC and in the absence of any annoyance caused to others cases cannot be registered under Section 294 IPC.

None of the petitioners have questioned the registration of case against them which are pending in these writ petitions. No doubt, as per the judgment of Bombay High Court, in order to find a person guilty under Section 294 IPC for obscenity in a public place of entertainment he should cause annoyance to others. But all these cases are not only registered under Section 294 IPC but also under other sections. Therefore, I am of the opinion that in view of the pendency of cases, it cannot be said that the petitioners have not at all committed any offences, which are yet to be tried and disposed of.

Several cases are pending against some of the petitioners. Some petitioners were convicted in some cases. It is unfortunate to know that in none of the cases, the Commissioner of Police has chosen to cancel the amusement licences and the police became spectators for the obscenity, immorality and vulgarity that was going on in some of the bars and restaurants of the petitioners. There is sufficient power to give notice and cancel amusement licences but for the reasons best known, the Commissioner has not chosen to take any action against such of those bars and restaurants though number of cases have been booked against some of the petitioners and were also convicted.

A Division Bench of this Court in W.A.No.105 of 1973 dated 19.07.1974 with regard to the power of the Commissioner of Polcie to take a policy decision to refuse amusement licences held that rules 112 of the amusement rules do not empower the Commissioner of Police to take a policy decision to prohibit the grant of amusement licence. The Commissioner is empowered to refuse grant of licence if in his opinion there is obscenity or immorality and also such grant of licence is objectionable for any other reasons. The Commissioner of Police can take a policy decision prohibiting the grant of amusement licence and the licencees are entitled to know the ground on which the liceces were refused. As in the said case the licences were refused only on the ground of **"public interest"** without stating any particular reason or the ground under the relevant rules. Admittedly the impugned order therein did not disclose any material for refusing the licences. Therefore, it was agreed by the Government Pleader in the said case that there was neither any report before the police or the Government nor any complaint by any member of the public to the police to the effect that the dancers in the petitioners-bars and restaurants were stripping clothes and indecently exposing their bodies. Therefore, this Court held that intention of the said rules was not to prohibit the amusement licence completely and the licencees are entitled for the renewal of the licences subject to the

fulfillment of the conditions.

The reasons shown in the applications of the petitioners for grant of amusement licences are only to attract more customers for the sale of more liquor so as to enable them to do a better business. I am of the opinion that the grant of amusement licences is not to push heavy sale of liquor or to make drunkards to consume more liquor but they are meant to entertain the customers while taking their eatables and soft drinks including liquor in a limited manner but not to entertain obscenity or vulgarity by enjoying nude dances by young girls.

Petitioners heavily relied on judgment of this Court in **BIGWAY BAR AND RESTAURANT** case (1 supra) to which I am also a party. In the said case, admittedly, the Commissioner of City Police rejected all the licences as a matter of policy prohibiting the grant of amusement licences, which was also confirmed by the State Government. The policy decision of the Commissioner prohibiting the grant of amusement licence was not applied to other star hotels. Therefore, it was held that the policy decision of the respondents prohibiting the grant of amusement licence to the bars and restaurants while permitting to the three star and five star hotels is an unreasonable classifications and action of the respondents amounts to selective discrimination of the provisions of the Article 14 of the Constitution of India and there was no guarantee that the three star and five star hotels would not indulge in prohibited activities. Further, neither the Act nor the rules framed thereunder allow such classification between the same set of persons. It was also observed that the grant of amusement licence was rejected on the ground that there was no provision made for parking of the vehicles, if that be so, the licencing authority would have given an opportunity to rectify these defects as regards to the provision of parking space for scooters, cars or where there is lapse on the part of the applicants in providing ample parking space the Commissioner of Police would be at liberty to insist on the applicants to comply with the same before they are granted amusement licences. But on this ground there cannot be any refusal of grant of licences permanently. Action of the respondents in refusing the grant of amusement licences on the ground that the area selected was not a fit place, as ultimately the licencing authority is responsible for the Law and Order situation in the area and as such the objection cannot be brushed aside. It is for the licencee to show that restaurant is placed in a fit place and he is entitled to be granted licence in accordance

with the rules and it is not for this Court to examine whether the restaurant/hotel is placed in a fit place or not. It is open for the applicants to demonstrate before the licencing authority that situation of the area is a fit place entitling them to be granted amusement licence. It was also indicated that it is open for the Commissioner of Police or the State Government to regulate the activities in the Bars and Restaurants by adopting such stringent punitive measures as may be necessary, in addition to the regulatory procedure already provided under the rules, if necessary by taking recourse to the source of power under Section 21 of the Act, to control any obscenity, vulgarity or indecency in the performances to be made in the bars or restaurants or hotels and as also to the strict adherence to the timings and such other measures that may be necessary in the interest of general public.

The said judgment was rightly explained by the later Division Bench judgment of this Court in the case of **M/S. CHANDINI BAR AND RESTAURANT v. COMMISSIONER OF POLICE** stating that the judgment in **Bigway** case (1 supra) is only an authority for the proposition that the Commissioner of Police is not entitled to prohibit conducting of singing, music and dance programmes in the public place in the interest of the general public as a measure of policy decision. Such a policy decision taken by the Commissioner of Police in total prohibition in conducting music and singing in bars and restaurants would amount to unreasonable restriction. Such total prohibition to conduct music, singing and dance would amount to negating the fundamental right guaranteed under Article 19 (1) (g) of the Constitution of India. But the said judgment is not an authority for the proposition that under no circumstances the Commissioner of Police can reject the application for grant of amusement licence even if the activity in music, singing and dancing results and adds to noise pollution. In that case, the licences were rejected on the ground that the grant of licences would result in noise pollution. The power of the Commissioner of Police with regard to the non-issuance of licences and cancellations of the licences is provided under Rule 136 of Public Amusement Rules as below:

> "Rule 136 (1): The Commissioner of Police shall have the power to refuse licence for establishing any proposed are, provided there is likelihood of causing damage, danger or loss to the inhabitants of the locality or the thoroughfares of the surroundings.
>
> Rule 136 (2): The Commissioner of Police shall have the discretionary power to suspend or cancel any licence given under these Rules or under the licence to close

such area permanently or temporarily or take such action as to check the hindrance, trouble, danger or loss of the inhabitants of the locality or the thoroughfares of the surroundings."

While considering the relevant provisions particularly Rules 126 and 136 the Division Bench held that the Commissioner of Police is empowered to reject the renewal of licences on the ground that there is inadequate space of parking and also on the ground of noise pollution. But on the facts and circumstances of he particular case a learned Single Judge directed that the licences might not be rejected on the ground of inadequate space which became final in between the parties in the said case alone. But none of the Division Benches of this Court held that inadequate space for parking is not a ground at all for rejecting the renewal of amusement licences. Therefore, the Division Bench in the said case clearly explained that if no provision is made for parking space or if there is lapse on the part of the applicants to provide equipment of first aid or fire fighting arrangements or any other lapse to contain noise pollution, is one of the considerations to be taken into account by the Commissioner of Police who is entitled to and had liberty to insist on the applicants to comply with the same before they are granted amusement licences. In case where the Commissioner is satisfied that these defects cannot be rectified and the ongoing activity in music, singing and dances had resulted in disturbing the peace and tranquility in the surrounding areas adding to noise pollution, is always entitled to refuse the grant of the licences. Under rule 136 of the rules the Commissioner of Police shall have the power to refuse licence for establishing any proposed area, provided there is likelihood of causing damage, danger or loss to the inhabitants of the locality.

Admittedly none of the petitioners have been granted licences even for the years 2003 and 2004 but all of them were conducting music, singing and dance in their bars and restaurants pursuant to the different interim directions granted by this Court alone. No licence was granted by the licencing authority. When similar orders were passed rejecting the grant of amusement licences in 2003 a batch of writ petitions in WP.No.1164 of 2004 and batch were filed and the said batch of writ petitions were dismissed by this Court following the later Division Bench judgment of this Court in **Chandini Bar** case (3 supra).

Similar impugned orders were passed rejecting the request of the petitioners for grant of amusement licences on the ground that there is no sufficient provision made for parking

and in the absence of proper parking the grant of licences is not favourable as it could case other problems including traffic. The learned Single Judge dismissed the batch of writ petitions and upheld such impugned orders of the Commissioner of Police as the applicants have failed to provide proper parking space.

Admittedly the judgment in the above batch of writ petitions is not suspended by the Division Bench but it is brought to my notice that in W.A.No.1677 of 2004 this Court granted interim directions which were in operation during the pendency of the connected writ petitions alone making it clear that the said interim order will not preclude the authorities to take appropriate proceedings in case they otherwise find violation of any other provisions of law. Both the Division Benches of this Court either in **Bigway Bar and Restaurant** case (1 supra) or in **Chandini Bar and Restaurant** case (3 supra) did not held that parking space is not at all required and it was held that it was always open for the licencing authorities to insist upon sufficient parking and the rejection of the amusement licences on the ground that parking space was not provided was also upheld in the said batch of writ petitions in WP.No.1164 of 2003 and batch.

There is no averment made by any of the petitioners that they have made provision for extra parking space for the grant of amusement licence. They have only contended that while granting public entertainment licence the Commissioner of Police was satisfied with regard to the parking. They contend that the said parking itself is sufficient for the grant of amusement licence also.

Licence for place of public entertainment can be obtained by anybody with or without bar. Even there are no guidelines as regard to the required space for the grant of licence for public place of entertainment. It is for the Commissioner of Police to consider the requisite space for parking keeping in view the public interest for free flow of traffic etc. If it is a place of bar and restaurant where food as well as liquor is served the required space for parking depends upon its total area, capacity, locality etc. Therefore, there are no guidelines prescribing the requisite parking space either for the grant of licence of public place of entertainment or for the grant of amusement licence. The requisite space of a place for parking depends upon several factors such as total area of the place, seating capacity of bar and restaurant, its locality – whether it is on the main road of a busy commercial area

etc. Therefore, it is for the police to assess the required space for parking depending upon the size, area and location of the bar and restaurants keeping in view the Law and Order and public safety.

Admittedly none of the petitioners have shown any extra parking area for the extra customers that may be attracted by reason of grant of amusement licences. Therefore, I am of the view that insisting of extra parking space by the Commissioner of Police is not illegal or contrary to any of the rules.

Admittedly, at least two cases are pending against all the petitioners both for the offences under Sections 294 and 109 IPC and for the offence under Section 21 of the Act. In some of the cases the licencees have been convicted. Against some of the petitioners several cases are pending. Against the petitioner in WP.No.3148 pf 2005, 29 cases were registered and he was convicted in 20 cases imposing a fine. Against petitioner in WP.No.3185 of 2005, 20 cases have been registered and he was convicted in 12 cases. Against petitioner in WP.No.3182 of 2005, 6 cases are pending, against petitioner in WP.No.3210 of 2005, 6 cases are pending, against petitioner in WP.No.3185 of 2005, 7 cases are pending, against petitioner inWP.No.3187 of 2005, 5 cases are pending, against petitioner in WP.No.3601 of 2005, 3 cases are pending, against petitioner in WP.No.3186 of 2005, 9 cases are pending, against petitioner in WP.No.3599 of 2005, 4 cases are pending, against petitioner in WP.No.3253 of 2005, 3 cases are pending and against petitioners in WP.Nos.3165 and 3598 of 2005, two cases are pending against each of the petitioners respectively.

The applications of the petitioners for grant of amusement licences were rejected on the ground that the cases mentioned in the said impugned orders are registered against them and are pending and in some of the cases they were convicted. The enquiries made by the Commissioner of Police through his subordinates revealed that the managements of the said bars and restaurants were involved in the said case and were encouraging female singers to collect tips from the intoxicated customers by dancing with semi nude dresses in obscene manner in the guise of orchestra and violating the terms and conditions of the amusement licence. In the dancing process the dancers are found to be exposing the parts of their bodies, alluring and exciting the sexual desires of those persons who witness the

dances. The irresistible temptation, so created, makes the youth and men to transgress the limits of decency. At times, the modesty of women is publicly outraged. It is nothing but a euphemism for flesh trade. Such spots also attract unsocial elements, who visit these places as a place of entertainment. The presence of such unsocial elements may lead to Law & Order problem like eve teasing, molesting etc. The Police have to safe guard the honour of women and ensure against women being used as a source of joy and entertainment of public. These amusement spots may attract huge public and it is likely to cause inconvenience to traffic and danger or damage to the residents or the persons passing in the vicinity. All the applicants have been involved in criminal cases. The area of the establishment and parking capacity was also mentioned in the impugned orders and stated that there is no specific parking provided for grant of amusement licence apart from the parking meant for bar and restaurant. If musical entertainment is permitted there would be huge gathering of public which would cause obstruction to the free flow of traffic. It is stated that the parking provided by the bars and restaurants is inadequate. There would be extra gathering of public to witness the show of singing and dancing by male and female singers. Therefore, extra parking is definitely required. But the petitioners have not provided any extra parking for the extra customers.

Admittedly, petitioners have no fundamental right to carry on the trade in liquor. Their right is only under the A.P.Excise Act to get the bar licence subject to the fulfillment of certain terms and conditions. All of them have obtained bar licences authorizing them to sell liquor and beer to be consumed in their premises. As the liquor licences are obtained to sell liquor they have taken licences for the place of public entertainment. Merely because the petitioners have obtained licences for place of public entertainment it cannot be said that they are automatically entitled for amusement licences also. The rules relating to grant of amusement licences are different and distinct. If amusement licences are granted as rightly stated in the impugned orders that extra customers would be attracted and extra parking space would be required. But none of the petitioners have stated that they have provided any extra parking entitling them for the grant of amusement licences. None of the petitioners have filed any of the licences for amusement that were granted by the licencing authority but admittedly they have carried on the activity of singing and dancing pursuant to the interim directions of this Court alone. To none of the petitioners the amusement licences were granted for the years 2003 and 2004. They have filed applications for grant of amusement licences and the said applications were rejected on various grounds such as

inadequate parking space, their past conduct involving in several criminal cases as evident from the particulars of the criminal cases mentioned in the impugned orders and the violation of the licence conditions and relevant rules. Therefore, keeping in view all the said facts and taking into consideration the Law and Order problem that is likely to arise on account of the nature of the business, the licences for amusement were rejected.

In all these cases, the Commissioner of Police has given reasons while rejecting the licences. It is stated that after calling for the reports from the Additional Commissioner, Traffic and the concerned Deputy Commissioners of Police the impugned orders have been passed independently without being influenced by any extraneous considerations. Most of the petitioners-bars and restaurants are situated in busy commercial areas and in commercial complexes and they do not have exclusive parking space. Once the amusement licence is granted to the bars and restaurants, the number of customers who visit them would naturally increase and it requires sufficient parking space. But none of the petitioners have provided extra parking space entitling them for grant of amusement licences. If they require only amusement licences definitely they have to provide sufficient parking space. Therefore, it cannot be said that the Commissioner of Police is not entitled to insist for sufficient parking space for grant of amusement licences. Therefore, I am of the opinion that insistence of the necessary parking space by the Commissioner is also one of the relevant considerations for the grant or refusal of the licences.

In most of the cases the rejection of the amusement licence is on the ground that there is no sufficient parking space. It is stated that star hotels have provided sufficient parking space for the grant of amusement licences and they are only conducting music, after fulfilling required conditions. There are no complaints from general public against star hotels and no cases are booked against the said hotels. Therefore, it cannot be said that the action of the Commissioner in rejecting the amusement licences in favour of the petitioners is discriminatory or based on extraneous circumstances. The Commissioner of Police independently applied his mind and gave cogent reasons against each and every rejection order.

Pendency of the cases against the petitioners and convictions against some of the petitioners clearly discloses that they are allowing female singers to perform in indecent and

obscene manner for their monetary gain and against moral values. The perusal of the number of FIRs goes to show that most of the singers are teenage girls and are brought from other States who are being lured into this activity and are made to perform obscene dances in order to attract customers for their bars and restaurants. Once the amusement licence is granted the number of customers who visit the bars would naturally increase and, therefore, there is every requirement to provide adequate extra parking space for them otherwise it would create problems both for the general public and the police. It may lead to Law and Order problem since the customers tend to park their vehicles in the parking area owned by general public or on the footpaths, which are meant for the pedestrians. Therefore, I am of the opinion that insistence of sufficient parking space to provide for grant of amusement licence is not illegal or arbitrary. Insufficient parking space may create traffic hazards, which may give rise to law and order problem.

Petitioners are entitled to get the amusement licences subject to the fulfillment of the stipulated conditions in the rules relevant to place of public amusement in the city as stated above.

Admittedly, the liquor business is an obnoxious trade. In view of obnoxious nature of the trade the grant of liquor licences are restricted and they can also be prohibited. It may not be possible to impose total prohibition suddenly but, however, the State is under an obligation to take steps for improvement of public health by prohibiting the consumption of intoxicated drinks, which are injurious to public health. It cannot be said that grant of liquor licences is to encourage drunkards but it is only to restrict to drink in closed premises in the interest of general public. Merely because the petitioners, who are licencees under the public place of entertainment for running bars and restaurants it cannot be said that they are also, as a matter of right, entitled for grant of amusement licences without fulfilling the stipulated conditions under the relevant rules. The Commissioner of Police has the discretionary power to reject the grant of amusement licence on the ground that petitioners have not provided sufficient parking space and as they are involved in several criminal cases, which are narrated in the impugned orders and also on the ground that they have violated the terms and conditions of the licence itself. As long as there is no obscenity, vulgarity, immorality and obscene way of singing and dancing it would be a recreation, amusement and entertainment to human beings but the perusal of the impugned orders goes to show that the petitioners are permitting obscenity and immorality in their respective

bars and restaurants. Therefore, it cannot be said that the petitioners have good conduct. Under the rules, amusement licence cannot be granted for persons with bad character. Therefore, I am of the opinion that the Commissioner of Police is empowered to reject the grant of amusement licences on the grounds mentioned in the impugned orders.

For the aforesaid reasons, I do not find any merit in the writ petitions to set aside the impugned orders. Accordingly, the writ petitions are dismissed. However, it is open for the petitioners to provide sufficient parking space and also satisfy the Commissioner of Police that they have not violated any terms and conditions of the amusement rules and the conditions of amusement licence so as to enable them to get the amusement licence. On fulfilling the requisite terms and conditions and on providing sufficient parking space, the petitioners may submit their applications for grant of amusement licences. On such receipt of the applications afresh, the Commissioner of Police may consider and dispose of the same in accordance with law as expeditiously as possible. No costs.

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V. ESWARAIAH, J

March 18, 2005

Dsk

Note: Furnish copy within three days

(B/o)

DSK

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One fair copy to the Hon'ble Sri Justice V. Eswaraiah (for his Lordship's kind perusal)

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3. The Station House Officer, Nampally Police Station, Nampally,

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4. The Deputy Commissioner of Police, North Zone, Hyderabad.

5. The Station House Officer, PS Mahankali, Secunderabad.

6. The Station House Officer, PS Nallakunta, Hyderabad.

7. The Station House Officer, PS Gandhinagar, Secunderabad.

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11. The Station House Officer, Saifabad PS, Secunderabad.

12. The Station House Officer, S.R. Nagar Police Station, S.R. Nagar, Hyderabad.

13. The Station House Officer, Ramgopalpet Police Station,

Secunderabad.

14. The Inspector of Police, Narayanguda Police Station, Narayanguda, Hyderabad.

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